

**FILED**  
Clerk  
District Court

**APR 17 2007**

**For The Northern Mariana Islands**  
**By** \_\_\_\_\_  
(Deputy Clerk)

**O'CONNOR BERMAN DOTTS & BANES**  
Second Floor, Nauru Building  
1 Nauru Loop  
Susupe, Saipan, CNMI  
Mail: PO Box 50-1969 Saipan MP 96950  
Phone: 234-5684  
Fax: 234-5683

**Attorneys for Plaintiff**

**IN THE DISTRICT COURT  
FOR THE NORTHERN MARIANA ISLANDS**

**QIAN XIAOLI,**

**Plaintiff,**

**vs.**

**GRACE INTERNATIONAL, INC.,**

**Defendant.**

**Civ. No. 07- 0017 - -**

**DECLARATION OF  
QIAN XIAOLI**

I, Qian Xiaoli, declare as follows:

1. I am a citizen of the People's Republic of China and a nonresident worker in the CNMI. I am Plaintiff in the above captioned matter. I make this declaration upon personal knowledge.

2. I was employed as a garment worker by Grace International, Inc., beginning on or about October 15, 2002. My contract of employment was renewed on or about October 15, 2003, and renewed again on or about October 15, 2004. I worked primarily as a sewing machine operator.

3. Beginning about May 2005, I began to suffer from chronic back pain which has been diagnosed as "mechanical lumbar spine dysfunction." True and correct copies of medical records reflecting my condition are attached as Exhibits A, B, and C. This condition prevented me from lifting heavy objects (more than 10 pounds), and from sitting, especially bent forward, for extended periods of time without pain. See Exhibit C (letter from physical therapist).

1 4. With reasonable accommodation, including assignment to different types of work within  
2 the factory, I could continue to work efficiently and without pain. See Exhibit C (recommending  
3 various methods of accommodation). These reasonable accommodations would not have imposed  
4 any undue hardship on Grace.

5  
6 5. Grace did not make reasonable accommodation. I was transferred briefly to the packing  
7 section, but for loading work that involved heavy lifting, and was thus actually more painful than  
8 sewing. On two occasions, I was assigned to work that I could perform without difficulty: once to  
9 sorting and wrapping duty in the packing section, and once to thread removal in the sewing section.  
10 On both occasions, however, I was reassigned back to sewing after only two or three days. I  
11 repeatedly asked for different work, but was denied.

12  
13 6. Grace declined to renew my contract when it expired in October 2005. A true and correct  
14 copy of the letter from Grace advising me of its refusal to renew me is attached as Exhibit D. Grace  
15 issued this letter at the same time that I had to take off two days due to my disability (see Exhibit A).  
16 I believe that my disability is the reason for my non-renewal, especially since other workers at Grace,  
17 whose contracts expired at around the same time as mine, were given the option to renew, but I was  
18 not. Also, Grace management personnel, including General Manager Ricky Tam and Manager Li  
19 Yanxia, had previously advised me to resign and go back to China because of my back problem, but  
20 I had not done it.

21  
22 I declare upon penalty of perjury under the laws of the United States of America and the  
23 Commonwealth of the Northern Mariana Islands that the foregoing is true and correct to the best of  
24 my knowledge, and that if called upon to testify, I could and would testify competently and in  
25 accordance herewith.

Executed at Saipan, CNMI, this 16<sup>th</sup> day of April, 2007.

QIAN XIAOLI 钱晓利  
QIAN XIAOLI

3232-01-070416-PL-M preliminary injunction-DEC (qian).wpd

COMMONWEALTH HEALTH CENTER

ILLNESS CERTIFICATION SLIP

Patient Name: QIAN, XIAOLI

The above named patient was examined by me at

17:10 A.M./P.M. on  
(Time)

Sept 17, 2005 and was found fit for:  
(Date)

No Duty ☒ Light Duty ☐ off work  
Regular Duty ☐ School ☐ 9-17-05 to  
No School ☐ 9-19-05

May return to duty/school on:

9-20-05  
(Date)

Return to clinic on: Sept 17, 05 Physical Therapy  
(Date)

Diagnosis: Chronic low back pain L-5 nerve

Physician's Signature: [Signature]

CHC 62-0234 1186 VICTORIA DIMITROVA

EX. A

COMMONWEALTH HEALTH CENTER  
Saipan, Mariana Islands 96950

APPOINTMENT CARD

Date: 9/28/05 Hosp. # \_\_\_\_\_  
Name: Qian, Xiao Li  
Date next visit: Monday 10/3/05  
Time: 2:00 pm  
Therapist: Dana

Appointment by: Physical Therapy Department  
Telephone No.: (670) 236-8327

COMMONWEALTH HEALTH CENTER

ILLNESS CERTIFICATION SLIP

Patient Name: Xiao Li Qian

The above named patient was examined by me at

1pm - 2pm A.M./P.M. on  
(Time)

09/28/05 and was found fit for:  
(Date)

No Duty ☐ Light Duty ☒  
Regular Duty ☐ School ☐  
No School ☐

→ back  
support  
and breaks  
every hour  
to stretch  
back.

May return to duty/school on:

\_\_\_\_\_  
(Date)  
Return to clinic on: Monday October 3/05 @ 2pm  
(Date)

Diagnosis: Mechanical Lumbar Spine  
Dysfunction.

Physician's Signature: [Signature]



# Commonwealth of the Northern Mariana Islands

## Department of Public Health Division of Hospital Administration



### *Physical Therapy*

September 30, 2005

**To: Grace International**  
**Attn: Ms. Lee, Manager**  
**From: Dana McFadden, Physical Therapist**  
**Re: Xiao Li Qian (DOB: 03/20/74)**

Dear Ms. Lee,

This letter is regarding your employee, Ms. Qian, who was referred to Physical Therapy by Dr. Pima for treatment of low back pain. On initial evaluation 09/28/2005, Ms. Qian reported a four-month history of back pain. She described her work duties at Grace International as involving sitting and reaching forward.

On examination, I found Ms. Qian has an altered lumbar spine posture and muscular irritation, which is likely the result of excessive periods of time spent bent forward with her lumbar spine flexed. She has decreased overall range of motion and strength in her spinal muscles.

Ms. Qian is currently attending Physical Therapy once a week, and I have provided her with a home exercise program. My recommendations as far as her work duties are the following:  
1) Short breaks every hour to allow her to stretch her low back. These can be done in a standing position at her work station. 2) A foot stool or step to place her feet on while seated. This will put her low back into a more normal alignment and decrease vertebral joint stress. 3) Possibly transferring Ms. Qian (temporarily) to a different department that does not involve extended periods of bending forward or lifting large items. 4) Avoid lifting objects greater than 10 lbs, as this will put increased stress on Ms. Qian's lumbar spine.

If these recommendations are followed, it is likely that Ms. Qian will be able to recover and return to full work duties. If not, her back pain is likely to worsen and cause further problems in the future. Your assistance and consideration in this matter is greatly appreciated. Do not hesitate to contact me if you have any questions or concerns. Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Dana McFadden".

Dana McFadden (BMRPT)  
Physical Therapy Department  
Commonwealth Health Center  
236-8327

# GRACE INTERNATIONAL INC.

AAA 888 BOX 10001 SAIPAN MP 96950

TEL: (670) 2349682/9684/9685 FAX: (670) 234-9683

DATE: 09/19/05

DEAR SIR/MISS: QIAN, XIAOLI

YOUR ENTRY PERMIT WILL EXPIRE ON 10/15/05 AND YOU ARE INFORMED THAT YOUR EMPLOYMENT WILL NOT BE RENEWED BY OUR COMPANY.

YOU WILL BE PROVIDED AIRLINE TICKET FOR YOUR RETURN TO YOUR POINT OF HIRE. YOUR AIRLINE TICKET WILL BE READY ON OR BEFORE THE EXPIRATION OF YOUR ENTRY WORK PERMIT. YOU HAVE ONE WEEK AFTER EXPIRATION OF YOUR ENTRY PERMIT TO PREPARE YOUR THINGS FOR YOUR RETURN TO YOUR POINT OF HIRE, OR YOU MAY ARRANGE TO LEAVE EARLIER IF YOU WISH.

SHOULD YOU NEED ASSISTANCE OR HAVE ANY QUESTION YOU MAY SEE ME AT OUR MAIN OFFICE.

SINCERELY,

  
RAMON P. CRISOSTIMO  
RESIDENT MANAGER

EMPLOYEE'S SIGNATURE :

DATE : \_\_\_\_\_

日期 :

钱晓丽 先生 / 小姐

你的工作证将于 \_\_\_\_\_ 到期，现通知你本人，公司不再给你延期。

公司将为你提供回国机票。机票将在到期日或到期日之前备好。回国日期不能超过工作证到期日一周。如果你想提早回国，可以提前通知公司。

如有任何问题或需要帮助，可随时到办公室询问。

员工签字 :

钱晓丽

日期 : \_\_\_\_\_

EX. D